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Minutes

BBRS Building Code Appeals Board (BCAB)

Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

Meeting Date: September 04, 2014

Meeting Time: 9:30 a.m.

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

Board Members Present:

Harry Smith, Chairman

Brian Gale

Jennifer Hoyt (4 cases)

Jake Nunnemacher (3 cases)

Board Members Not Present:

None

There were six (6) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 12:00 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

Guests Present:

See sign-in sheet for each case.

2. August 7, 2014 meeting minutes approved.
3. **Case Number:** 14-1410
Appellant: Douglas Anderson for MBTA.
Address of Property: 6-12 Summer Street, Boston, MA.
Summary of Case: This appeal concerned 780 CMR Section 1009.5 & 1008.1.4.5. The State Inspector cited this due to the insufficient landing width as well as a violation of security grilles.

List of Exhibits:

Exhibit 1. Application dated July 21, 2014.

Exhibit 2. Supporting Argument dated September 4, 2014 (3 pages).

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted that based on the hardship of an existing building and testimony that there is no opposition from the State Inspector that we **grant a variance to 780 CMR Section 1009.5 & Section 1008.1.4.5.**

4. Case Number: 14-1411

Appellant: Scott Payette for Iroquois Realty LLC.

Address of Property: 5 Iroquois Street, Mission Hill, MA. 02120

Summary of Case: The appeal concerned 780 CMR 503 (*The State Building Code, Eighth Edition*) Table 503, 780 CMR 903.2.8 & 780 CMR 907. The appellant seeks to obtain relief from the above cited violations.

List of Exhibits:

Exhibit 1. Application dated July 29, 2014.

Exhibit 2. 4 Photos of property.

Exhibit 3. Copy of Permit Application dated 1989 (2 pages).

Exhibit 4. Floor Plans (5 pages).

Exhibit 5. Affidavit (2 pages).

Exhibit 6. Electrical Permit dated August 29, 2014.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR 503** contingent on due to testimony from the appellant that they will install smoke and CO detection per MSBC in 907 & 916. The common area protection will need to be approved by the City. Included in this motion was a friendly amendment made by Sandy MacLeod that was accepted and requires that emergency lighting be installed.

5. Case Number: 14-1412

Appellant: Xiao Juan Ren

Address of Property: 411 Broadway, Chelsea, MA. 02150

Summary of Case: The appeal concerned MSBC (*The State Building Code, Eighth Edition*) Section 1015.2.1. The appellant is seeking relief from this section of the code because the existing stairs on the third floor do not meet minimum distance of remote location from the new egress stairs.

List of Exhibits:

Exhibit 1. Application dated July 17, 2014.

Exhibit 2. 1 page photo of subject building

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith it was a **TWO to ONE VOTE**, Jake Nunnemacher was opposed to **GRANT a variance to MSBC Section 1015.2.1** to

allow exit doors that are close in proximity to each other. This is conditioned that they will install a full 13 fire sprinkler system in the building with a smoke alarm system. They must install 2 (two) windows double hung so that they can exit the building onto the roof of the adjacent building. They must also install 2 (two) emergency egress windows. On a friendly amendment by Jake Nunnemacher and accepted by Sandy MacLeod, they must have their smoke alarm system evaluated by the city.

6. **Case Number:** 14-1413
Appellant: Ted Dow for University Station Senior Housing LLC.
Address of Property: 140 University Avenue, Westwood, MA. 02090
Summary of Case: The appeal concerned (*The State Building Code, Eighth Edition*) 780 CMR Section 407.1.1. The building commissioner has refused the permit on the basis that the proposed design of a Group1-2 occupancy building constructed of Type 11A construction violates the provisions of that section of the code, therefore a variance is required.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith it was a **TWO to ONE VOTE**, Jen Hoyt was opposed, it was voted to **grant a variance to 780 CMR Section 407.1.** to allow the building to be 2A construction. This is based on the testimony heard today and what MGL (Mass. General Law) says and that both the building and fire departments feel that the residents can get out safely.

7. **Case Number:** 14-1392
Appellant: Ted Dow for Ink Block Sepia, LLC.
Address of Property: 30-36 Traveler Street, Roxbury, MA. 02118.
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Section 903.3.5.2. To increase the reliability of the sprinkler system should an earthquake occur, a secondary water supply for buildings with specific design category are required as per the above cited code section. The appellant is seeking relief from this requirement.

List of Exhibits:

Exhibit 1. Application dated June 11, 2014.

Exhibit 2. 1 page site plan of water supply connections

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jen Hoyt, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR 8th Edition Section 903.3.5.2** in allowing a secondary tank off of the property. The appellant has provided sufficient documents in regards to easement rights.

8. **Case Number:** 14-1414
Appellant: Paul Flavin, Esq. for Michael Zenga
Address of Property: 65 Fuller Pond Road, Middleton, MA. 01949
Summary of Case: The appeal concerned 780 CMR R5.4.9 & R5.4.21 (*The State Building Code, Eighth Edition*). The appellant is appealing the denial of his renewal of his Coordinator Certificate from the certification

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jen Hoyt, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR R5.4.9, R5.4.21** with the stipulation that he is on probation for 6 (Six) months until (March 2015) to ensure that he has a very low complaint percentage and it will be decided by Kim Spencer if too many come in and this needs to be re-visited.

9. **Case Number:** 14-1415
Appellant: Kevin Hastings for the Architectural Team, Inc.
Address of Property: 165 Winter Street, Haverhill, MA. 01830
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Section 1015.2, 1009.1, 1009.2 & 780 CMR 1008.1. The appellant requested a variance from 780 CMR regarding the following conditions: A. Stairs located less than 1/3 of the maximum diagonal dimension of the floor, B. Stair width is 30 inches; C. The headroom of the stairway landing is 68 inches. D. Stair door is 28-inch wide.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith, it was a **TWO TO ONE VOTE**, Jen Hoy was opposed. **TO grant a variance to 780 CMR Section 1015.2, 1009.1, 1009.2 & 780 CMR 1008.1** Dealing with the stairs and headroom on the south and north stair with conditions that they add emergency lights at both stairways with effervescent coating clearly marked -headroom issue. The doors leading in must be locked on both sides. No fire doors can be kept in the stairwells, they must be totally clear. There must also be signage on the exterior doors of the building of the low head height for the first responders.

8. The meeting adjourned at 1:15 p.m.